

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

*County of Monroe, Michigan v. Purdue  
Pharma L.P., et al.,*  
Case No. 1:18-op-45158

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DISTRIBUTORS' MOTION FOR LEAVE TO FILE A MOTION TO  
CERTIFY UNDER 28 U.S.C. § 1292(b) THE COURT'S APRIL 30, 2020 ORDER  
DENYING IN PART THEIR MOTION TO DISMISS MONROE COUNTY'S  
CLAIMS, FOR PURPOSES OF SEEKING IMMEDIATE APPEAL OF THE  
COURT'S RULINGS THAT DENIED DISMISSAL OF THE COUNTY'S CLAIMS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors") respectfully request leave to file a motion to certify under 28 U.S.C. § 1292(b) the Court's April 30, 2020 Opinion and Order, Dkt. 3285 ("Order") denying in part their motion to dismiss claims asserted by Monroe County, Michigan, for purposes of an immediate appeal of the Court's rulings that denied dismissal of the County's claims.

Attached hereto are Distributors' proposed motion, memorandum of law in support of that motion, and a proposed order granting Distributors' motion for Section 1292(b) certification. *See* Exs. A–C. For the reasons explained in Distributors' memorandum of law, *see* Ex. B, certification for purposes of an immediate appeal of the Court's rulings that denied dismissal of the County's claims is warranted. Accordingly, Distributors request leave to file the attached motion and supporting papers.

DATED: May 29, 2020

Respectfully submitted,

/s/ Geoffrey E. Hobart

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**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
Geoffrey E. Hobart

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**[PROPOSED] ORDER GRANTING DISTRIBUTORS' MOTION FOR LEAVE TO FILE  
A MOTION TO CERTIFY UNDER 28 U.S.C. § 1292(b) THE COURT'S APRIL 30, 2020  
ORDER DENYING IN PART THEIR MOTION TO DISMISS MONROE COUNTY'S  
CLAIMS, FOR PURPOSES OF SEEKING IMMEDIATE APPEAL OF THE  
COURT'S RULINGS THAT DENIED DISMISSAL OF THE COUNTY'S CLAIMS**

This matter having come before the Court upon motion by Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors") for leave to file a Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b) the Court's April 30, 2020 Order Denying in Part their Motion to Dismiss Monroe County's Claims For Purposes of Seeking Immediate Appeal of the Court's Ruling that Denied Dismissal of the County's claims; the Court having reviewed the motion and related papers; due and proper notice having been provided; and after due deliberation, the Court finds that Distributors' motion should be GRANTED.

**SO ORDERED this \_\_ day of \_\_\_\_\_, 2020.**

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**HON. DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE**